

AMENDED IN SENATE SEPTEMBER 8, 2003

AMENDED IN SENATE SEPTEMBER 2, 2003

AMENDED IN SENATE JULY 14, 2003

AMENDED IN SENATE JULY 2, 2003

AMENDED IN ASSEMBLY APRIL 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1426

Introduced by Assembly Member Steinberg
(Principal coauthor: Senator Burton)
(Coauthor: Assembly Member Leno)
(Coauthors: Senators Ducheny, Dunn, and Machado)

February 21, 2003

An act to add and repeal Chapter 4.6 (commencing with Section 65965) of Division 1 of Title 7 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1426, as amended, Steinberg. Affordable housing: greater Sacramento region.

(1) Existing law requires the Department of Housing and Community Development, the California Housing Finance Agency, and various other state and local agencies to administer programs to provide affordable housing through incentives to developers, rental housing assistance, and loans or grants for downpayment, interest subsidy, relocation, veterans' programs, and other home purchase

assistance. Existing law requires the housing element of a local general plan to identify adequate sites for affordable housing to be made available through appropriate zoning and development standards, including those relating to density.

This bill, until January 1, 2011, would require, except as specified, every city and every county within the greater Sacramento region, as defined, that issues building permits for residential units to require or otherwise cause at least 5% of the aggregate amount of these new residential units to be affordable to, and occupied by, very low income households, and at least 5% of the aggregate amount of these new residential units to be affordable to, and occupied by, low-income households, as specified. It would require each city and each county in the region to prepare and submit to the Secretary for Business, Transportation and Housing an annual report with specified information and would require the secretary to, no later than June 30, 2010, submit a report to the Legislature regarding the number of affordable residential units in the region. By increasing the duties imposed on local officials, this bill would impose a state-mandated local program.

This bill would, among other things, authorize the establishment of a ~~joint powers agency~~ *regional entity* to be known as the Greater Sacramento ~~Regional~~ *Housing Finance Consortium* and require the Department of Housing and Community Development to ~~allocate~~ *apply certain criteria to the allocation of* specified funds to the region, as specified.

The bill would prescribe additional criteria applicable to the development of affordable housing in the region.

The bill would authorize *the secretary*, cities, counties, and the Department of Housing and Community Development to impose certain fees to support the implementation of the bill.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

1 SECTION 1. Chapter 4.6 (commencing with Section 65965)
2 is added to Division 1 of Title 7 of the Government Code, to read:

3

4 CHAPTER 4.6. GREATER SACRAMENTO REGION HOUSING
5 DEVELOPMENT

6

7 Article 1. Affordable Housing Production

8

9 65965. (a) (1) On and after January 1, 2005, each city and
10 each county within the greater Sacramento region that issues
11 building permits for residential units shall require or otherwise
12 cause, by contract or covenants running with the land, at least 5
13 percent of the aggregate amount of these new residential units to
14 be affordable to, and occupied by, very low income households,
15 and at least 5 percent of the aggregate amount of these new
16 residential units to be affordable to, and occupied by, low-income
17 households. Each city and each county shall meet the requirements
18 of this subdivision either on an annual basis or, in the aggregate,
19 over a five-year period.

20 (2) Residential rental units required or caused to be affordable
21 pursuant to this section shall remain affordable for at least 30
22 years. The city or county shall have the right of first refusal to
23 purchase or repurchase for sale residential units that are affordable
24 pursuant to this section and shall recapture any subsidy at the time
25 of sale. The home seller shall retain the amount that represents the
26 value of improvements and the seller's proportionate share of
27 appreciation. Any recaptured subsidy shall be segregated and used
28 strictly for residential development at the same income level as, or
29 at a lower income level than, the income category of the
30 development from which the subsidy was recaptured. *For-sale*
31 *residential units that are income-restricted to very low or*
32 *low-income households and otherwise meet the requirements of*
33 *this section, but that are financed by below-market interest rate*
34 *tax-exempt loans or by federal programs that limit or prohibit right*
35 *of first refusal, recapture, and shared appreciation, shall count*
36 *toward the performance standard in this section.*

37 (3) A city or county may count the following residential units
38 toward not more than 20 percent of their requirements under this



1 section, one-half of which may be for the very low income
2 requirement and one-half of which may be for the low-income
3 requirement:

4 (A) Substantially rehabilitated units that are certified for
5 occupancy after January 1, 2005.

6 (B) Residential units affordable to, and occupied by, extremely
7 low, very low, or low-income households pursuant to state and
8 federal regulatory agreements that are expiring or have expired if
9 the jurisdiction requires or otherwise causes these units to remain
10 or become affordable to, and occupied by, extremely low, very
11 low, or low-income households, in the same proportions with
12 respect to household income level that exists or existed under the
13 federal regulatory agreements. If a unit satisfies the requirements
14 of both subparagraph (A) and this subparagraph, the city or county
15 may count the unit only once toward satisfying the requirements
16 of paragraph (1).

17 (4) Newly constructed units affordable to, and occupied by,
18 households earning less than 30 percent of the area median
19 income, including, but not limited to, households that earn less
20 than 30 percent of the area median income who are occupants of
21 transitional housing where support services are regularly provided
22 under contract, or farmworker housing, may be counted toward the
23 requirements of this section, at a rate of two low-income units for
24 every unit affordable to, and occupied by, households earning less
25 than 30 percent of the area median income.

26 (5) Notwithstanding paragraph (3), a city or county in which at
27 least 60 percent of the housing stock was constructed prior to 1980,
28 as determined by the most recent decennial census of the United
29 States, may count substantially rehabilitated residential units that
30 are certified for occupancy after January 1, 2005, toward not more
31 than 30 percent of their requirements under this section, one-half
32 of which may be for the very low income requirement and one-half
33 of which may be for the low-income requirement.

34 If the Secretary of the Business, Transportation and Housing
35 Agency determines that cities or counties in the greater
36 Sacramento region that comprise 80 percent of the region's
37 projected population growth have entered into a joint powers
38 agreement, or adopted an ordinance or other binding resolution, to
39 meet the requirements of this section prior to January 1, 2005, then



1 this section shall, notwithstanding any other provision, only apply
2 to those cities and counties.

3 (6) A county that has less than 25 percent of its total population
4 residing in the unincorporated area, as determined by the most
5 recent decennial census of the United States, may elect, by
6 resolution of its governing body, to make this chapter, or any
7 article or section within this chapter, inapplicable to proposed
8 residential unit subdivisions of less than five units. If the
9 governing body of a qualifying county adopts such a resolution,
10 any subdivisions of less than five units approved in that county on
11 or after January 1, 1999, shall not be counted as part of that
12 county's aggregate amount of new residential units as specified in
13 this section.

14 (b) Each city and each county in the greater Sacramento region
15 shall prepare and submit to the Secretary of the Business,
16 Transportation and Housing Agency an annual report and
17 assessment of its compliance with this section, to be submitted not
18 later than December 31, 2005, and December 31 of each
19 subsequent year. This report shall be submitted on forms prepared
20 by the secretary and shall conclusively demonstrate the city's or
21 county's compliance with this section. The first report submitted
22 pursuant to this subdivision shall document the total number of
23 new residential units constructed and the percentages made
24 affordable to and occupied by low-income and very low income
25 households, respectively, between January 1, 1999, and January 1,
26 2004. For a city or county that elects to meet the requirements of
27 this section in the aggregate over a five-year period, the report
28 shall also include a narrative description of how the jurisdiction
29 plans to meet the requirements over the five-year period, *and the*
30 *secretary shall develop and apply standards to ensure that*
31 *appropriate progress is being made during the five-year period*
32 *toward meeting the requirements of this section. Jurisdictions must*
33 *reconcile the residential production data that they report to the*
34 *secretary with the production data the jurisdiction reports to the*
35 *United States Bureau of the Census, the Department of Finance,*
36 *and the Construction Industry Research Board, and report to the*
37 *secretary within 90 days of the submission of production data to*
38 *the Bureau of the Census or the secretary, whichever is later. A*
39 jurisdiction that elects to meet the requirements of this section over



1 a five-year period may, for purposes of its first report, do the
2 following:

3 (1) Count toward the requirements of this section the number
4 of building permits for residential units issued over a five-year
5 period that begins the year prior to the year that the requirements
6 of this chapter became applicable to the jurisdiction.

7 (2) Count toward the requirements of this section the number
8 of building permits for affordable residential units issued as a part
9 of any development agreement that is currently in effect where
10 affordable residential units are a part of the development
11 agreement and the affordable residential unit permits were issued
12 ~~not more than two years~~ *more than one year* prior to the year that
13 the requirements of this chapter became applicable to the
14 jurisdiction.

15 (c) Copies of the report shall also be made available for the
16 general public at the city's or county's planning department, local
17 public libraries, and on its Web site, if any.

18 (d) No later than June 30, 2010, the Secretary of the Business,
19 Transportation and Housing Agency shall report to the
20 Legislature, for each county and city in the greater Sacramento
21 region that is subject to this section, the total number of residential
22 units and the number of residential units affordable to very low or
23 low-income households for which building permits were issued
24 from January 1, 1999, to December 31, 2009, inclusive, and the
25 number of residential units affordable to very low or low-income
26 households allocated to each county and city for the same period
27 pursuant to the Sacramento Council of Governments' regional
28 housing needs assessment.

29 (e) Nothing in this section shall be construed to diminish the
30 authority of counties to have their share of the regional housing
31 need reduced and reallocated to one or more cities within their
32 county pursuant to paragraph (5) of subdivision (c) of Section
33 65584.

34 (f) *The secretary may charge a fee to local governments in the*
35 *greater Sacramento region to support the work of the secretary in*
36 *implementing subdivisions (b) and (d) of Section 65964.*

37 (g) For purposes of this chapter, the following definitions
38 apply:

39 (1) "Greater Sacramento region" means the region
40 encompassing the total combined area of the Counties of El



1 Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba, excluding the
2 region defined in subsection (a) of Article II of Public Law 96-551
3 that is governed by the Tahoe Regional Planning Agency, as
4 described in Article III of Public Law 96-551.

5 (2) In order to be counted as “substantial rehabilitation,” the
6 rehabilitation work on a unit shall meet the definition of
7 “substantial rehabilitation” in clause (iv) of subparagraph (A) of
8 paragraph (2) of subdivision (b) of Section 33413 of the Health
9 and Safety Code, and all of the following requirements:

10 (A) The rehabilitation was carried out or caused to be carried
11 out with public funds.

12 (B) The city or county has provided or caused to be provided
13 relocation assistance pursuant to Chapter 16 (commencing with
14 Section 7260) of Division 7 of Title 1 to any occupants temporarily
15 or permanently displaced by, for, or in connection with the
16 rehabilitation activity, including, but not limited to, any activity or
17 activities that have resulted in or will result in displacement of any
18 and all residents of the dwelling or dwellings, including, but not
19 limited to, any code enforcement activity.

20 (C) The local government required that any displaced
21 occupants would have the first right to reoccupy the rehabilitated
22 units.

23 (D) The rehabilitated units are affordable to, and occupied by,
24 the same or a lower level of income residents that the units were
25 affordable to prior to rehabilitation.

26 (3) “Affordable to, and occupied by” means units available at
27 affordable housing cost as defined by Section 50052.5 of the
28 Health and Safety Code and occupied by households in the income
29 levels required by this section for the time period specified by this
30 section, or where not specified, the longest feasible time not less
31 than specified in Section 33413 of the Health and Safety Code as
32 long as the time does not conflict with requirements of any state
33 or federal source of financing.

34 (4) “Low-income,” “very low income,” and “extremely low
35 income,” have the same meaning as set forth in Sections 50079.5,
36 50105, and 50106, respectively, of the Health and Safety Code,
37 except that for the purposes of this section, the income limits
38 established pursuant to those sections for Yuba and Sutter
39 Counties, shall be the same as the income limits established for
40 Sacramento County.



1 (5) “Residential unit” has the same meaning as “residential
2 structure” as set forth in Section 50099 of the Health and Safety
3 Code and includes manufactured homes as defined in Section
4 18007 of, and mobilehomes as defined in Section 18008 of, the
5 Health and Safety Code.

6 ~~(g)–~~

7 (h) A city or county may charge a fee, including, but not limited
8 to, a fee pursuant to Section 65104 to support the work of the
9 planning agency, to reimburse it for costs incurred in
10 implementing this section. The legislative body of the city or
11 county shall impose any fee pursuant to Section 66016.

12
13 Article 2. Incentives

14
15 ~~65965.2.—(a) Cities and counties in the greater Sacramento
16 region may establish a joint powers agency to be known as the
17 Greater Sacramento Regional Consortium. The consortium may
18 assist small communities to apply for state and federal housing
19 resources, cooperate with the federal Department of Housing and
20 Urban Development in programs for the use of federal HOME
21 Investment Partnership Act funds for nonentitlement jurisdictions
22 and Small Cities Community Development Block Grant Program
23 funds to facilitate the state’s allocation of these funds to
24 nonentitlement jurisdictions, and assist in the creation of a
25 multicounty mortgage revenue bond authority.~~

26 ~~(b) Notwithstanding any other provision of law, and only until
27 June 30, 2007, the Department of Housing and Community
28 Development shall allocate HOME Investment Partnership Act
29 funds authorized pursuant to Section 50896 of the Health and
30 Safety Code and federal Small Cities Community Development
31 Block Grant Program funds authorized pursuant to Section 50825
32 of the Health and Safety Code to the greater Sacramento region
33 directly by formula to each city or county that is subject to the
34 affordable housing production standard provided for in this
35 chapter, that chooses to receive funds directly rather than on a
36 competitive basis, and that is not entitled to receive those funds
37 pursuant to federal law. The allocation shall be based on federal
38 methodology for making allocations to entitlement jurisdictions.
39 However, if the annual aggregate amount of the allocations to
40 cities and counties that choose to receive funds directly, plus the~~



1 ~~allocations made to cities and counties that elect to participate in~~
2 ~~the competitive process exceeds the average of the historical~~
3 ~~annual aggregate allocation to the region, then the annual direct~~
4 ~~allocations shall be reduced on a pro rata basis to not exceed the~~
5 ~~average of the region's historical annual aggregate allocation. For~~
6 ~~January 1, 2007, to June 30, 2007, inclusive, the allocation shall~~
7 ~~be 50 percent of the amount calculated pursuant to the previous~~
8 ~~sentence. Any allocation made directly to a city or county pursuant~~
9 ~~to this subdivision shall be used for housing, consistent with~~
10 ~~federal and state law, and program regulations. To the extent~~
11 ~~permitted by federal law, cities and counties may pool their~~
12 ~~allocation resources for joint use through the consortium.~~

13 ~~(c) In making funding awards for the CalHome program within~~
14 ~~regions subject to the affordable housing production standard~~
15 ~~provided for in this chapter and to cities and counties that meet the~~
16 ~~production requirements of this section, the department shall give~~
17 ~~equal priority to projects in revitalization areas and new growth~~
18 ~~areas. In making funding awards for the Local Housing Trust Fund~~
19 ~~Matching Grant Program within regions subject to the affordable~~
20 ~~housing production standard provided for in this chapter, the~~
21 ~~department shall not require a minimum allocation to its~~
22 ~~applicants.~~

23 ~~(d) The California Tax Credit Allocation Committee shall~~
24 ~~consider the greater Sacramento region as a single region for the~~
25 ~~purposes of any geographic apportionment system.~~

26 ~~(e) The department may implement the changes made by~~
27 ~~subdivision (b) until June 30, 2007, using guidelines, during which~~
28 ~~time those guidelines shall not be subject to the Administrative~~
29 ~~Procedure Act (Chapter 3.5 (commencing with Section 11340) of~~
30 ~~Part 1 of Division 3 of Title 2). The department may implement the~~
31 ~~changes made by subdivision (e) for two years using guidelines,~~
32 ~~during which time those guidelines shall not be subject to the~~
33 ~~Administrative Procedure Act. The department may charge a fee~~
34 ~~to local governments in the greater Sacramento region that choose~~
35 ~~to receive funds directly rather than on a competitive basis~~
36 ~~pursuant to subdivision (b) to support the work of the department~~
37 ~~in implementing subdivision (b).~~

38 ~~65965.6. It is the intent of the Legislature in enacting this~~
39 ~~chapter that any future state housing bond act contain an~~
40 ~~appropriate set aside of funding for regions that have successfully~~



1 ~~implemented the type of affordable housing production standard~~
2 ~~created by this chapter.~~

3 65965.2. (a) *The Legislature finds and declares that the*
4 *provision of affordable housing in the greater Sacramento region*
5 *is a matter of statewide concern. Cities and counties in the greater*
6 *Sacramento region may establish a regional entity to be known as*
7 *the Greater Sacramento Housing Finance Consortium. It is the*
8 *intent of the Legislature in enacting this chapter, that the Greater*
9 *Sacramento Housing Finance Consortium have the primary*
10 *purpose of assisting in financing new construction of affordable*
11 *housing developments in the greater Sacramento region. It is the*
12 *intent of the Legislature that the Greater Sacramento Housing*
13 *Finance Consortium be charged with the following*
14 *responsibilities and powers:*

15 (1) *The consortium may assist small communities to apply for*
16 *state and federal housing resources, cooperate with the*
17 *Department of Housing and Community Development and the*
18 *federal Department of Housing and Urban Development in*
19 *programs for the use of federal HOME Investment Partnership Act*
20 *funds for nonentitlement jurisdictions and Small Cities*
21 *Community Development Block Grant Program funds to facilitate*
22 *the state's allocation of these funds to nonentitlement jurisdictions,*
23 *and assist in the creation of a multicounty mortgage revenue bond*
24 *authority.*

25 (2) *The board may contract with one or more housing or*
26 *redevelopment agencies in the region or with a private entity, to*
27 *issue mortgage revenue bonds, administer the collection of fees,*
28 *process loan applications, and carry out loan administration.*

29 (3) *The consortium, or with an affiliate, may issue multifamily*
30 *revenue housing bonds for projects in the region.*

31 (4) *The consortium shall work with federal, state, and private*
32 *entities that provide sources of funding for affordable housing and*
33 *ensure that the region receives its fair share allocation of those*
34 *funds, seek allocation of those funds, to the extent practicable, to*
35 *the region, and ensure that cities and counties and applicants for*
36 *residential development approvals make the maximum possible*
37 *effort to obtain those funds and that those funds and housing funds*
38 *generated locally are used efficiently. In addition, the consortium*
39 *may provide recommendations to state agencies for the funding*



1 *priority of residential projects and may facilitate sharing of federal*
2 *HOME funds and affordable housing finance resources.*

3 *(b) The Department of Housing and Community Development*
4 *shall establish within its state-administered Community*
5 *Development Block Grant program, a state objectives criteria to*
6 *reward member cities and counties within the Greater Sacramento*
7 *Housing Finance Consortium. Specifically, nonentitlement cities*
8 *and counties within the Greater Sacramento Housing Finance*
9 *Consortium will receive competitive points under the state*
10 *objectives scoring criterion, effective at the time the Greater*
11 *Sacramento Housing Finance Consortium is established. The*
12 *department shall establish, at its sole discretion, the appropriate*
13 *weighting of this criterion as well as the duration of this criterion's*
14 *applicability, as long as it is at least until December 31, 2010. The*
15 *department shall ensure that the total funding awards to cities and*
16 *counties within the Greater Sacramento Housing Finance*
17 *Consortium shall not exceed the annual aggregate amount of the*
18 *allocations to the greater Sacramento region.*

19 *(c) In making funding awards for the CalHome Program within*
20 *regions subject to the affordable housing production standard*
21 *provided for in this chapter, the department shall give equal*
22 *priority to projects in revitalization areas and projects creating*
23 *balanced communities. In making funding awards for the Local*
24 *Housing Trust Fund Matching Grant Program within regions*
25 *subject to the affordable housing production standard provided for*
26 *in this chapter, the department shall not require a minimum*
27 *allocation to its applicants.*

28 *(d) The California Tax Credit Allocation Committee shall*
29 *consider the greater Sacramento region as a single region for the*
30 *purposes of any geographic apportionment system.*

31 *(e) The department may implement the changes made by*
32 *subdivision (c) for two years using guidelines, during which time*
33 *those guidelines shall not be subject to the Administrative*
34 *Procedure Act (Chapter 3.5 (commencing with Section 11340) of*
35 *Part 1 of Division 3 of Title 2). The department may charge a fee*
36 *to local governments in the greater Sacramento region to assist in*
37 *carrying out their duties pursuant to this chapter and to support*
38 *the work of the department in implementing subdivision (b).*

39 *65965.5. (a) This section applies in each city and county that*
40 *is subject to the performance standard set forth in subdivision (a)*



1 of Section 65965 and has failed to meet the performance standard
2 either on an annual basis, if the jurisdiction has chosen to meet the
3 standard annually, or over a five-year period if the jurisdiction has
4 chosen to meet the standard set forth in subdivision (a) of Section
5 65965 over a five-year period. This section applies in city and each
6 county that is subject to the standard set forth in subdivision (a) of
7 Section 65965 and did not meet, as evidenced by a report
8 consistent with the report described in subdivision (b) of Section
9 65965, the equivalent of at least 50 percent of the standard, in the
10 aggregate, during the period from January 1, 1999, to January 1,
11 2004, inclusive, had the standard been in effect, unless that city
12 was not incorporated prior to January 1, 1999. From January 1,
13 1999, to January 1, 2004, affordable housing units in housing
14 developments approved by a city or county but which have not
15 begun construction because of pending litigation, may be counted
16 toward the requirements of this paragraph.

17 (b) Any city or county may elect, by resolution of its governing
18 body, to make the provisions of subdivision (c) of this section
19 applicable to residential development within its jurisdiction.

20 (c) Cities and counties in the greater Sacramento region that do
21 not meet the requirements of subdivision (a) of Section 65965, as
22 specified in subdivision (a) of this section, shall be identified as a
23 “high-priority” jurisdiction by the Secretary of Business,
24 Transportation and Housing. “High-priority” jurisdictions shall
25 receive priority consideration by the Greater Sacramento Housing
26 Finance Agency for technical assistance in applying for state and
27 federal housing resources, creating local housing resources and
28 programs, and in removing barriers to affordable housing
29 development. “High-priority” jurisdictions shall take both of the
30 following actions, within 120 days of being identified as a
31 “high-priority” jurisdiction:

32 (1) In addition to meeting its obligation to identify adequate
33 sites pursuant to paragraph (1) of subdivision (c) of Section 65583,
34 the jurisdiction shall identify adequate sites consisting of 100
35 percent of the amount of land zoned for multifamily uses that is
36 needed to meet its need for low- and very low income households
37 as determined pursuant to Section 65584 on land that is zoned for
38 multifamily housing, with one-half of the sites having densities of
39 at least 20 units per acre and development standards to
40 accommodate multifamily housing affordable to low-income



1 *households and one-half of the sites having densities of at least 30*
2 *units per acre and development standards to accommodate*
3 *multifamily housing affordable to very low income households. If*
4 *the jurisdiction cannot identify sufficient sites without rezoning or*
5 *adopting revision to its planning or development standards, the*
6 *jurisdiction shall make the required legislative or administrative*
7 *changes, and if necessary, amend its general plan. The jurisdiction*
8 *shall specifically identify the multifamily zoned sites and shall*
9 *report on the development status of each site identified in the*
10 *annual implementation report required pursuant to Section 65400.*

11 (2) *Adopt and apply an expedited permit approval process for*
12 *residential development applications, including priority*
13 *processing for affordable housing application, that requires only*
14 *one application for all approvals and permits related to residential*
15 *development shall be made expeditiously.*

16 (3) *Grant a 40 percent density bonus and two incentives or*
17 *concessions to affordable residential development projects that*
18 *qualify for a density bonus pursuant to Section 65915.*

19 (4) *For a period of five years, beginning January 1, 2011, at*
20 *least 35 percent of all unencumbered taxes that are allocated to the*
21 *city or county redevelopment agency, if that city or county has a*
22 *redevelopment agency, pursuant to Section 33670 of the Health*
23 *and Safety Code, shall be deposited into the Low and Moderate*
24 *Income Housing Fund for the purposes of increasing, improving,*
25 *and preserving the community's supply of housing at affordable*
26 *housing cost to persons and families of low- or very low income,*
27 *as defined in Sections 50093, 50105, and 50106.*

28 (5) *A city or county that received community development*
29 *block grant funding, pursuant to subdivision (b) of Section*
30 *65965.2 shall receive negative points on any application to receive*
31 *community development block grant funding during the period*
32 *January 1, 2011, to December 31, 2013.*

33 (d) *Any interested person may institute proceedings against a*
34 *“high-priority” jurisdiction for a writ of mandate compelling the*
35 *jurisdiction to comply with the requirements of Section 65965 and*
36 *this chapter.*

37 (e) *Cities and counties that are subject to the standard set forth*
38 *in subdivision (a) of Section 65965 and have failed to meet the*
39 *performance standard over the entire period of the bill shall be*
40 *required to ensure that building permits for low- or very low*



1 *income households are issued from the period January 1, 2011, to*
2 *December 31, 2013, in the amount of units which the city or county*
3 *fell short of meeting the performance standard.*

4

5 Article 3. Contingency and Sunset

6

7 65965.8. Upon the request of any person or entity, the
8 Secretary of the Business, Transportation and Housing Agency
9 may reduce, suspend, or waive the requirements of this chapter at
10 any time if he or she makes a finding, based on clear and
11 convincing evidence, that either of the following conditions makes
12 the requirements unattainable for cities and counties in the greater
13 Sacramento region:

14 (a) A natural disaster affecting the region, as defined in Section
15 8680.4.

16 (b) State or federal housing funds ~~identified in Sections~~
17 ~~65965.2 and 65965.6~~ that are committed, allocated, and available
18 to the region are not sufficient to fully fund the production
19 standards provided in this chapter.

20 The secretary may charge a fee to the requesting person or entity
21 to support the work of the secretary in implementing this section.

22 65965.9. It is the intent of the Legislature that ~~neither this~~
23 ~~chapter nor any other provision of law or contract should be~~
24 ~~construed to require~~ *nothing in this chapter should be construed*
25 *to require or prohibit* cities or counties within the greater
26 Sacramento region to amend, modify, condition, cancel, suspend,
27 void, alter, or change in any way development agreements or
28 subdivision map act applications deemed complete prior to the
29 effective date of this chapter for the purposes of meeting the
30 requirements of this chapter.

31 65965.10. This chapter shall remain in effect only until
32 January 1, 2011, and as of that date is repealed, unless a later
33 enacted statute that is enacted before January 1, 2011, deletes or
34 extends that date.

35 65965.11. *The Legislature finds and declares that it is the*
36 *intent of this chapter that there be a significant increase in the*
37 *construction of affordable housing units within the greater*
38 *Sacramento region. Under existing law, 5 percent of affordable,*
39 *new housing construction that is built with public funds is required*
40 *to meet features of adaptable design pursuant to the federal Fair*



1 *Housing Accessibility Guidelines (Title 24, Code of Federal*
2 *Regulations, Section 100.205(c)(2)(3)). Therefore, in California’s*
3 *effort to create appropriate housing options to meet the needs of*
4 *all individuals including those with a variety of disabilities*
5 *including physical and mobility limitations, this chapter would*
6 *result in an increase in construction of a full range of accessible*
7 *housing units throughout the greater Sacramento region because*
8 *of the applicability of the federal Fair Housing Accessibility*
9 *Guidelines.*

10 SEC. 2. The Legislature finds and declares that a special law
11 is necessary and that a general law cannot be made applicable
12 within the meaning of Section 1 of Article IV of the California
13 Constitution due to the unique fiscal, jurisdictional, and public
14 service dynamics in the greater Sacramento region.

15 SEC. 3. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 a local agency or school district has the authority to levy service
18 charges, fees, or assessments sufficient to pay for the program or
19 level of service mandated by this act, within the meaning of
20 Section 17556 of the Government Code.

